

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ROBERT TATE,

Plaintiff,

v.

FAMILY DOLLAR STORES OF  
MISSOURI, INC., et al.,

Defendants.

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No. 4:14CV1534 RLW

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Motion for Additional Time to Respond to Defendant Boomgaarden's Motion for Summary Judgment (ECF No. 13). Also pending are a Motion to Dismiss Defendant Zebulan Boomgaarden, or in the Alternative, Motion for Summary Judgment (ECF No. 7) and Defendant Family Dollar Stores of Missouri, Inc.'s Motion to Dismiss and Substitute Defendants (ECF No. 10).

On September 2, 2014, Plaintiff filed a First Amended Petition in the Circuit Court of St. Louis County, Missouri, alleging employment discrimination in violation of the Missouri Human Rights Act. (First Am. Pet., ECF No. 4) On September 8, 2014, Defendant Family Dollar Stores of Missouri, Inc. removed the Petition to federal court, claiming that this Court has diversity jurisdiction due to the fraudulent joinder of the Defendants. (Notice of Removal, ECF No. 1) On that same date, Individual Defendant Zebulan Boomgaarden filed a Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, and Defendant Family Dollar Stores of Missouri, Inc. also filed a Motion to Dismiss and Substitute Defendants. (ECF Nos. 7, 10) Plaintiff did not timely respond to Defendant Family Dollar Stores of Missouri, Inc.'s motion, as required by E.D. Mo. L.R. 4.01(B). In response to Defendant Boomgaarden's motion to dismiss or for

summary judgment, Plaintiff requests additional time to file his response in opposition. Specifically, Plaintiff claims that he plans to file a Motion to Remand by October 7, 2014 and requests an additional 30 days after the Court rules on this motion to respond to the motion for summary judgment.

The Court has reviewed the pleadings and pending motions and finds that Plaintiff's motion will be granted, in part. Both Defendants assert, *inter alia*, that removal was proper because Plaintiff named those Defendants in order to defeat diversity jurisdiction. Certainly, these issues are related to Plaintiff's upcoming Motion to Remand, and the Court can address all the motions simultaneously once they are fully briefed.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Additional Time to Respond to Defendant Boomgaarden's Motion for Summary Judgment (ECF No. 13) is **GRANTED in part**. Plaintiff shall file a response in opposition no later than October 20, 2014.

**IT IS FURTHER ORDERED** that Plaintiff shall file a response to Defendant Family Dollar Stores of Missouri, Inc.'s Motion to Dismiss and Substitute Defendants no later than October 20, 2014.

Dated this 26th Day of September, 2014.



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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE